IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 5TH JULY 2006 / 14TH ASHADA 1928

Bail Appl..No. 3989 of 2006()

CMP.2128/2006 of J.M.F.C.-II,NEYYATTINKARA
C.R.NO.25/2006 OF THIRUPPURAM EXCISE RANGE

.....

PETITIONER/ACCUSED.1

VASANTHI, D/O.DEVAKI,
MANKALI MANALI, PUTHEN VEEDU,
KANJIRAMKULAM VILLAGE, NEYYATTINKARA.

BY ADV. SRI.M.R.SARIN
SRI.M.R.SASITH

RESPONDENTS: COMPLAINANT

STATE OF KERALA, THROUGH THE EXCISE
INSPECTOR, THIRUPPURAM EXCISE RANGE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.T.K.KUNHABDULLA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

- -

B.A. No. 3989 of 2006

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Dated this the 5th day of July, 2006

O R D E R

The petitioner is accused for the offence punishable under Sections 8(1) and 8(2) of the Abkari Act, as she was found in illegal possession of 10 litres of arrack made by diluting spirit, near Pananinna Junction by the Thiruppuram Excise Range Inspector and party. Therefore, C.R.No.25/2006 of that Excise Range was registered against her. She remains in judicial custody. Hence, this application for bail.

2. I heard, the learned Public Prosecutor as well as the learned counsel for the petitioner .

3. It is submitted by the learned Public Prosecutor that the petitioner is already an accused in six other abkari cases, involving her, with the Thiruppuram Excise Range, itself. She committed the present offence, while on bail in earlier crimes.

4. In the facts and circumstances of this case, because of the operation of Section 41A of the Abkari Act, I am

not inclined to grant an order under Section 439 Cr.P.C., to release her. Hence, the petition is rejected.

5. I direct the Investigating Officer, to complete the investigation and file the final report, before the court below, which shall expedite the trial and disposal of the case.

(J.M.JAMES)
Judge

ms